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13 IN THE UNITED STATES DISTRICT COURT  
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
15  
16 SAN JOSE DIVISION

17  
18 UNITED STATES OF AMERICA,

19 Plaintiff,

20 v.

21 ENRIQUE QUINTERO,

22 Defendant.

23  
24 CASE NO: CR11-00550/711--EJD

25 ENRIQUE QUINTERO'S MOTION TO  
26 CONTINUE SENTENCING HEARING

27 Date: September 24, 2012  
28 Time: 1:30 p.m.  
Court: The Hon. Edward J. Davila

29  
30  
31 Defendant Enrique Quintero, by and through his counsel Michelle D. Spencer hereby  
32 requests that the Court continue his sentencing hearing currently scheduled for September 24,  
33 2012 until October 1, 2012, October 15, 2012, or some other date convenient for the Court,  
34 United States Probation Officer Ben Flores and counsel.

35  
36 In February 2012, during the negotiations of the resolution in this case, the defense  
37 was advised that at least one similarly situated co-defendant had received a sentencing  
38 recommendation higher than his 20-year stipulated sentence. Ultimately, the parties

1 stipulated to a 20-year sentence. However, the final Presentence Report (hereinafter "PSR")  
2 which was disclosed on September 10, 2012 contains an advisory guideline range of 188-235  
3 months and a sentencing recommendation of 235 months. The sentence recommended in the  
4 final PSR is within the advisory guideline range and is 5-months less than the 240-month  
5 sentence agreed upon in the plea agreement.

6 Last week defense counsel contacted Supervising Assistant United States Attorney  
7 Jeff Nedrow and Assistant United States Attorney Thomas O'Connell who is assigned to this  
8 case to discuss obtaining a guideline range sentence in view of the final PSR. The defense  
9 requests a continuance of the sentencing hearing in order to completely discuss this issue with  
10 Mr. Nedrow and Mr. O'Connell.

11 Mr. O'Connell advised the defense that he objects to the requested continuance.

### 13 CONCLUSION

14 A continuance of the sentencing hearing in this case would not prejudice the  
15 government. We submit that the requested continuance to discuss the guideline sentencing  
16 range in the PSR versus the above guideline 20-year sentence in the plea agreement with a  
17 supervisor at the United States Attorney's Office is reasonable and necessary particularly in  
18 view of the significant length of the potential sentence in this case.

20 Dated: September 17, 2012

21 Respectfully submitted,

22 \_\_\_\_\_ /MDS/  
23 Michelle D. Spencer  
24 Attorney for Enrique Quintero

### 25 IT IS SO ORDERED

26 The Sentencing is continued from September 24, 2012 to October 15, 2012 at 1:30 PM.

27 Dated: 9/21/2012

  
28 \_\_\_\_\_  
United States District Judge